

**REMARKS**

The Applicant respectfully requests entry of the above amendments and consideration of the application, as amended.

By this Amendment, the Applicant has amended the specification to overcome the objections that appear in paragraph 6 on page 3 of the Action. Specifically, in line 5 on page 4 of the specification, the Applicant has replaced the words "transmission means" with the words "means of transmission". Contrary to the comments made in the Action, the Applicant believes that this amendment clarifies this passage, instead of the amendment suggested in the Action. Also, various clarifications to lines 21-30 on page 7 of the specification were corrected as suggested in the Action.

The suggested correction to lines 2 and 3 on page 8 of the specification was not made. The Applicant respectfully submits that the present wording of this passage is clear, and consistent with remainder of the specification. The "means of transmission" is defined in the specification, for example, a belt, and the subject passage simply recites that the number of "means of transmission" may be doubled. Reconsideration of this objection is respectfully requested.

Also, by this Amendment, the Applicant has amended claims 1-7 to more clearly define the present invention. The Applicant submits that no amendments were made to claims 1-7 to narrow the scope of claims 1-7, for example, to overcome prior art.

New claims 8-15 were introduced. Bases for claims 8-10 can be found on page 1 lines 8-11. Bases for claims 11 and 12 can be found on page 5 lines 11-14. Bases for claims 13-15 can be found on page 5 lines 11-19.

Attached hereto please find a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned **Version with markings to show changes made.**

**Response to the Office Action**

In paragraph 1 on page 2 of the Action, the Patent Office requests that a certified copy of the priority French application be submitted. In response to this request, the Applicant has included a certified copy French application FR 99.04371 with this Response to Office Action.

**Response to §112 Rejections**

In paragraph 7 on page 4 of the Action, the Patent Office rejects claims 1-7 under 35 USC §112, first paragraph, as not defining subject matter described in the specification. However, the Applicant believes that this rejection is inappropriate. The Applicant respectfully submits that the specification and drawings clearly describe “a control and safety device” for a drum and a transmission means “in such a way as to reasonably convey to one skilled in the art” the claimed invention. The present invention is not limited to what is disclosed on line 1 of page 6; the Applicant submits that the present invention is clearly disclosed in the whole of the specification and drawings, for example, see the paragraph bridging pages 3 and 4 of the specification.

In paragraph 8 on pages 4-6 of the Action, the Patent Office rejects claims 1-7 under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the invention. The Applicant respectfully submits that the Applicant believes that the amendments entered above address these rejections.

Response to §102 Rejections

In paragraphs 9 and 10 on page 7 of the Action, the Patent Office rejects claims 1-3, and 7 under 35 USC §102(b) as anticipated by US patent 3,961, 700 of Fleischauer [herein "Fleischauer"]. However, the Applicant submits that this rejection is inappropriate.

The Patent Office is reminded that MPEP § 2131 defines the conditions under which an anticipation rejection is appropriate:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim...

The Applicant submits that Fleischauer does not disclose "the identical invention" containing "each and every element" as recited in amended claims 1-3, and 7. For example, the machine disclosed by Fleischauer is clearly not a "machine for dispensing strips" as recited in claim 1 and disclosed in the present specification. As described in the Abstract of Fleischauer, the invention disclosed by Fleischauer is "a conveyor construction". The Applicant respectfully submits that Fleischauer's "conveyor construction" in no way could be used to dispense strips, for example, paper towels, toilet paper, and the like. Clearly, this rejection is inappropriate and the Applicant respectfully requests that this rejection be reconsidered.

In paragraphs 11 and 12 on pages 7 and 8 of the Action, the Patent Office rejects claims 4-6 under 35 USC §102(b) as anticipated again by Fleischauer. However, again, the Applicant submits that this rejection of amended claims 4-6 is inappropriate for the very same reasons the rejection of amended claims 1-3, and 7 was inappropriate, as discussed above.

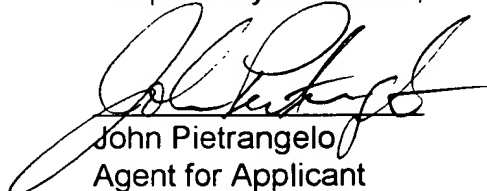
Response to §103 Rejections

In paragraphs 11 and 12 on pages 7 and 8 of the Action, the Patent Office also rejects claims 4-6 under 35 USC §103(a) as obvious in view of Fleischauer. However, again, the Applicant respectfully submits that this rejection is inappropriate. As described above, the applicant submits that the claims from which claims 4-6 depend are patentability distinct from Fleischauer, thus claims 4-6 are patentability distinct from Fleischauer. Reconsideration of this rejection is also respectfully requested.

The Applicant believes that the application is now in allowable form. Early passage of the subject application to issue is earnestly solicited.

If a telephone conference would be of assistance in advancing prosecution of the subject application, Applicant's undersigned agent invites the Examiner to telephone him at the number provided.

Respectfully submitted,

  
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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In the Specification:**

The paragraph bridging pages 3 and 4 has been amended as follows:

According to a first aspect of the invention, the control and security device allowing ejection of the strip of material from a strip dispensing machine comprising a drum and a safety shaft which shuts off the lower opening through which the strip of material passes as it leaves the housing and the drum, said drum and said shaft being linked by a means of transmission consisting of a belt, is [characterised] -- characterized -- in that said [transmission means] -- means of transmission -- is float mounted between the drum and the shaft, with the central part of the shaft that accommodates said belt and faces the groove on the drum being designed with a dolly axle configuration having a dimension that exceeds the width of the groove on the drum so as to allow limited amplitude, thus tracking the direction in which the strip of paper is pulled longitudinally out of the dispensing machine by the user.

The paragraph between lines 21-26 on page 7 has been amended as follows:

In addition and incidentally, the groove [(4a)] -- (4b) -- on the drum may have, in the location of the slit -- (4a) -- formed in the drum, a slight extra thickness [(4b)] to ensure control of the position of the transmission belt during extreme deflection of the float-mounted belt along the dolly axle shape -- (9a) -- of the safety shaft -- (9) --.

The paragraph between lines 28-35 on page 7 has been amended as follows:

The invention is applicable to all types of machines for dispensing strips of material which include connection by [means of] -- a -- belt-type transmission between

the drum that accommodates a cutting device and a safety shaft located in the lower part of the housing which ensures guided ejection of the strip of material.

The Abstract has been amended as follows:

[The invention concerns a] - - A - - control and safety device - - for a machine for dispensing strips of material having a - - [characterised in that said] transmission means (10) - - which consists - - [consist] of a belt mounted between [the] - - a - - drum (4) and [the] - - a - - shaft (9) in a floating mount[, ] -- . The - - [the] shaft receiving [said] - - the - - belt - - having an axle of narrower diameter than the shaft - - [being arranged] in its central part opposite [the] - - a - - groove formed on the drum [in a twin-wheel configuration (9a),] - - The axle has - - [having] a dimension greater than the width of the groove (4b) formed on the drum, so as to enable an oblique lateral displacement of the belt, which thus accompanies, according to a limited amplitude  $\alpha$ , the longitudinal direction in which - - , for example, a - - [the] paper strip is being pulled out of the - - machine - - [dispenser] by the user.

In the Claims:

Claim 1 has been amended as follows:

1. (Twice Amended) [Control] - - A control - - and safety device allowing the ejection of a strip of material from a machine for dispensing strips - - , the control and safety device - - comprising a drum (4) and a [safety] shaft (9) which shuts off [the] - - a - - lower opening (11) through which the strip of material passes as [it] - - the strip of material - - leaves the - - machine - - [housing and

drum], said drum and said shaft being linked by -- a -- means of transmission (10) comprising at least one belt, [characterised] -- characterized -- in that said [transmission means (10)] -- at least one belt -- is [float] mounted between -- said -- drum (4) and -- said -- shaft (9), -- said shaft having a -- central part [of the shaft] that accommodates said -- at least one -- belt and faces [the] -- a -- groove on [the] -- said -- drum -- and said shaft having -- [being designed with] a dolly axle (9a) [configuration] --, the dolly axle -- having a dimension that exceeds the width of the groove (4b) on -- said -- drum (4) so as to allow sideways, slanting deflection of the -- at least one -- belt over a limited amplitude ( $\infty$ ), thus tracking the direction in which the strip of [paper] -- material -- is pulled longitudinally out of the [dispensing] machine by the user.

Claim 2 has been amended as follows:

2. (Amended) -- The device -- [Device] as claimed in claim 1 [characterised] -- characterized -- in that [the middle part of shaft (9) facing groove (4b) on drum (4) has a] -- said -- dolly axle (9a) [configuration of reduced] -- comprises -- a thickness (D1) [compared with the] -- which is less than the width of a -- cross-section (D2) of -- said -- shaft (9) to accommodate the -- at least one -- belt.

Claim 3 has been amended as follows:

3. (Amended) -- The device -- [Device] as claimed in claim 2 --, wherein the dolly axle comprises a length (L1) and the groove in said drum comprises a width (L2), the device characterized -- [characterised] in that the length (L1) [of the dolly axle (9a) configuration] substantially exceeds the -- width (L2) -- [length (L2) of the groove on the drum].



Claim 4 has been amended as follows:

4. (Twice Amended) - - The device - - [Device] as claimed in claim 1 - - [characterised] - - , wherein the dolly axle (9a) comprises shoulders (9b), the device characterized - - in that the - - shoulders (9b) prevent the lateral movement of the at least one belt beyond the dolly axle - - [dolly-axle shape (9a) of the shaft is laterally locked by the walls (9b) of shaft (9) forming a shoulder and limit stop].

Claim 5 has been amended as follows:

5. (Amended) - - The - - [A] device as claimed in claim 2 - - [characterised] - - , wherein the dolly axle (9a) comprises shoulders (9b), the device characterized - - in that the - - shoulders (9b) prevent the lateral movement of the at least one belt beyond the dolly axle - - [dolly-axle shape (9a) of the shaft is laterally locked by the walls (9b) of shaft (9) forming a shoulder and limit stop].

Claim 6 has been amended as follows:

6. (Amended) - - The - - [A] device as claimed in claim 3 - - [characterised] - - , wherein the dolly axle (9a) comprises shoulders (9b), the device characterized - - in that the - - shoulders (9b) prevent the lateral movement of the at least one belt beyond the dolly axle - - [dolly-axle shape (9a) of the shaft is laterally locked by the walls (9b) of shaft (9) forming a shoulder and limit stop].

Attorney Ref.: 1759.053

Claim 7 has been amended as follows:

7. (Amended) - -The - - [A] device as claimed in claim 1, wherein the at least one belt consists of a belt.

Claims 8-15 are new.